

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A
JUDGE: CYNTHIA A. HOLLOWAY
NO.: 00-143

Florida Supreme Court
Case No.: SC00-2226

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JUDICIAL QUALIFICATION COMMISSION'S
PREHEARING STATEMENT

The Florida Judicial Qualifications Commission, by and thorough the undersigned Special Counsel, hereby provides the following prehearing statement:

I. SCHEDULE OF WITNESSES:

1. Ms. Robin Adair, if called as a witness, will provide testimony including but not limited to her relationship with Judge Holloway as well as Judge Holloway's relationship with her minor child hereinafter referred to as P.A. Ms. Adair will also testify regarding conversations she had with Judge Holloway concerning the *Adair v. Johnson* custody matter as well as testimony regarding the subject deposition of Judge Holloway taken by Mr. Mark Johnson on July 19, 2000.
2. Ms. Cynthia Tigert, if called as a witness, will provide testimony including but not limited to her relationship with Judge Holloway as well as Judge Holloway's relationship with her sister Robin Adair and niece, P.A. Ms. Tigert will also testify regarding conversations she had with Judge Holloway concerning the *Adair v. Johnson* custody matter.
3. Detective John Yaratch, if called as a witness will provide testimony including but not limited to his contact with Judge Holloway regarding his investigation into the alleged sexual abuse of P.A as well as matters consistent with his prior testimony given in this case.
4. Mr. Mark Johnson, if called as a witness will provide testimony including but not limited to, a timeline of relevant events in the *Adair v. Johnson* matter, Judge Holloway's courtroom testimony in the *Adair v. Johnson* matter as well as the subject deposition of Judge Holloway taken by him on or about July 19, 2000.
5. R. Ray Brooks, Esquire, former attorney to Ms. Robin Adair in the *Adair v. Johnson* matter, will provide testimony including but not limited to the subject deposition of Judge Holloway taken by Mr. Mark Johnson on or about July 19,

2000.

6.Christopher Todd Alley, Esquire will provide testimony including but not limited to the subject deposition of Judge Holloway taken by Mr. Mark Johnson on or about July 19, 2000 and the drafting of the errata sheet relating to that deposition.

7.Ms. Janice Wingate, Judicial Assistant to Judge Holloway, will provide testimony including but not limited to her conversations with Judge Holloway following Judge Holloway's deposition of July 19, 2000 as well as her communication with Ms. Cynthia Tigert, Robin Adair and the offices of Leslie Hoffman, Esquire of the Department of Children and Families. In addition, Janice Wingate will provide testimony concerning Judge Holloway's personal calendar and office message books.

8.Leslie Hoffman, Esquire of the Department of Children and Families, will provide testimony consistent with, but not limited to her statement to investigator Robert Butler on or about June 23, 2000.

9.Detective Donna J. Keen will provide testimony including but not limited to her conversations with Robin Adair as they relate to Judge Holloway consistent with her statement to investigator Robert Butler on or about June 16, 2000.

10. Pamela F. Dato, Esquire will provide testimony including but not limited to conversations with Judge Holloway concerning the subject Judicial Qualification Commission investigation.

11.Kimberly K. Fernandez, Esquire will provide testimony including but not limited to conversations with Judge Holloway concerning the subject Judicial Qualification Commission investigation.

12.Dr. Sylvia F. Carra, will provide testimony consistent with, but not limited to her statement to investigator Robert Butler on or about June 23, 2000.

13.The Honorable Judge Ralph C. Stoddard will provide testimony including but not limited to the subject encounter with Judge Holloway which occurred on or about March 3, 2000 and his subsequent recusal from the case.

14.Sharron K Cosby, Judicial Assistant to Judge Stoddard will provide testimony including but not limited to the subject encounter between Judge Holloway and Judge Stoddard which occurred on or about March 3, 2000.

15. Bailiff David Bowers will provide testimony including but not limited to the subject encounter between Judge Holloway and Judge Stoddard which occurred on or about March 3, 2000.

16. The Honorable Judge Katherine G. Essrig will provide testimony including but not limited to the subject encounter with Judge Holloway which occurred on or about July 29, 1999.

17. Marie L. Folsom, Judicial Assistant to Judge Essrig, will provide testimony including but not limited to the subject encounter between Judge Holloway and Judge Essrig as well as conversations with Mr. James Holloway, Esq. concerning the scheduling of his personal dissolution of marriage which occurred on or about July 29, 1999.

18. Deputy Angela L. Martin will provide testimony including but not limited to the subject encounter between Judge Holloway and Judge Essrig which occurred on or about July 29, 1999.

19. James Holloway, Esquire will provide testimony including but not limited to the subject deposition of Judge Holloway taken by Mr. Mark Johnson on or about July 19, 2000 and the drafting of the errata sheet relating to that deposition. In addition, Mr. Holloway will provide testimony including but not limited to the subject encounter between Judge Essrig and Judge Holloway which occurred on or about July 29, 1999.

20. Jeanne T. Tate, Esquire, will provide testimony including but not limited to the subject "tree cutting incident" which occurred on or about July 10, 1999.

21. Mr. Randy Emmerman will provide testimony including but not limited to the subject "tree cutting incident" which occurred on or about July 10, 1999.

22. Mr. Calvin Franklin Dick (Sonny Dick), will provide testimony including but not limited to the subject "tree cutting incident" which occurred on or about July 10, 1999.

23. Officer Keith Elkington badge number 361, will provide testimony including but not limited to the subject "tree cutting incident" which occurred on or about July 10, 1999.

24. Mr. Steven Graham, Urban Forester, will provide testimony including but not limited to the subject "tree cutting incident" which occurred on or about July 10, 1999.

25.Custodian of Records, Clerk of the Court, Hillsborough County Courthouse.

26.Records Custodian/Legal Compliance Department, ALLTELL
communications.

The Judicial Qualifications Commission hereby respectfully reserves the right to amend this witness list upon leave of the Court and further reserves the right to call rebuttal witnesses at the close of Judge Holloway's defense case.

EXHIBIT LIST

1.Summary of statement prepared by investigator Robert Butler pertaining to the following witnesses:

- a.Leslie A. Hoffman, Esquire
- b.The Honorable Judge Ralph C. Stoddard
- c.Sharron K. Cosby, Judicial Assistant to Judge Stoddard and typewritten statement by Ms. Cosby regarding same.
- d.Bailiff David Bowers
- e.David A. Rowland, Esquire
- f.Detective John Yaratch
- g.Michael Sinacore, Esquire
- h.Ronald J. Russo, Esquire
- i.Detective Donna J. Keen
- j.Dr. Sylvia F. Carra
- k.Pamela F. Dato, Esquire
- l.Kimberly K. Fernandez, Esquire
- m.Christine Taylor
- n.The Honorable Judge Katherine G. Essrig
- o.Marie L. Folsom, Judicial Assistant to Judge Essrig
- p.Deputy Angela L. Martin

2.Any and all transcripts of depositions taken during the course of the subject Judicial Qualifications Commission investigation by either the undersigned Special Counsel and/or Counsel for Judge Holloway.

3.Any and all transcripts of hearings which took place during the course of the

subject Judicial Qualifications Commission investigation.

4.The following deposition and hearing transcripts in the *Adair v. Johnson* matter:
Deposition of Detective John Yaratch, taken on or about August 4, 2000;
testimony of Judge Holloway taken on or about November 8, 1998, and July 14,
1999; deposition of Judge Holloway taken on or about July 19, 2000; and
deposition of Detective Donna Keen taken on or about August 31, 2000.

5.Affidavit of C. Todd Alley, Esq., dated October 3, 2000; Affidavit of James
Holloway, Esq., dated September 29, 2000; Affidavit of R. Ray Brooks, Esq.,
dated October 23, & 25, 2000; Affidavit of Judge Dennis Alvarez, dated, May 30,
2001; Affidavit of Jeanne T. Tate, dated May 31, 2001.

6.Copies of Judge Holloway's office calendar and personal calendar.

7.Copies of Judge Holloway's office telephone message books.

8.Copies of Judge Holloway and C. Todd Alley's cellular records.

9.Final Judgment of Simplified Dissolution of Marriage of James T. Holloway and
Jessica H. Holloway, dated July 29, 1999.

10.Temporary Injunction Order signed by Judge Holloway on July 10, 1999;
Notice of Filing and Petition for Injunctive Relief submitted to the Clerk of the
Circuit Court, Hillsborough County on or about July 12, 1999.

11.Letter to Randy Emmerman from Mr. Steve Graham, Urban Forester dated
October 22, 1999; Letter to Jeanne Tate from Mr. Steve Graham, Urban Forester
undated.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served
by Facsimile with copies by U. S. Mail to: Honorable James R. Jorgenson, Chair,
Hearing Panel, Third District Court of Appeals, 2001 S.W. 117th Avenue, Miami,
Florida 33175-1716; John Beranek, Esquire, AUSLEY & MCMULLEN, Washington
Square Building, 227 Calhoun Street, P.O. Box 391, Tallahassee, Florida 32302;

Scott K. Tozian, Esquire, SMITH & TOZIAN, P.A., 109 North Brush Street, Suite 150, Tampa, Florida 33602; and Michael S. Rywant, Esquire, RYWANT, ALVAREZ, JONES, RUSSO & GUYTON, P.A., 109 North Brush Street, Suite 500, Tampa, Florida 33602; Honorable James R. Wolf, Chairman, Investigative Panel, 301 S. Martin Luther King Blvd., Tallahassee, Florida 32399; and Brooke Kennerly, Executive Director, Judicial Qualifications Commission, Mount Vernon Square, 1110 Thomasville Road, Tallahassee, Florida 32303, this _____ day of September, 2001.

CERTIFICATE OF FONT SIZE

I hereby certify that the type font used in this document is 14-point Times New Roman.

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By: _____
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